UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/2002/18
9 August 2002

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-fourth session
Agenda item 4

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The Social Forum

Report of the Chairman-Rapporteur, José Bengoa, in accordance with Sub-Commission resolution 2001/24*

* The annexes to the present document are being circulated in the original language only.

GE.02-14658 (E) 120802

CONTENTS

	Paragraphs	Page
Introduction	1	3
I. ORGANIZATION OF THE SESSION	2 - 15	3
II. GLOBALIZATION AND HUMAN RIGHTS: CHALLENGES AND OPPORTUNITIES IN THE NEW MILLENNIUM	16 - 22	5
III. RIGHT TO ADEQUATE FOOD AND POVERTY REDUCTION	23 - 47	7
A. The realities of hunger and poverty reduction strategies: experiences, views and visions	23 - 30	7
B. Rural poverty reduction strategies and the right to food: What have we learned?	31 - 47	10
IV. CONCLUSIONS AND RECOMMENDATIONS	48 - 80	14
A. Conclusions	49 - 69	14
B. Recommendations	70 - 80	17

Annexes

I.	List of documents	20
II.	Agenda	21
III.	Contribution from the NGO meeting of 23 July 2002 to panel A, "Globalization and human rights"	23

Introduction

1. In its resolution 2001/24, the Sub-Commission on the Promotion and Protection of Human Rights requested the Commission on Human Rights to authorize the holding in Geneva of a pre-sessional forum on economic, social and cultural rights before the fifty-fourth session of the Sub-Commission, to be known as the Social Forum, for two days, with the participation of 10 members of the Sub-Commission, taking into account regional representation. By its decision 2002/106, the Commission on Human Rights approved the resolution, and on 25 July 2002 the Economic and Social Council endorsed it.

I. ORGANIZATION OF THE SESSION

2. The Social Forum was held on 2 August 2002. The following 10 experts of the Sub-Commission participated: José Bengoa, Emmanuel Decaux, Asbjørn Eide, Vladimir Kartashkin, Florizelle O'Connor, Stanislav Ogurtsov, Godfrey Bayour Preware, Abdul Sattar, Halima Embarek Warzazi and Leila Zerrougui.

3. The following experts of the Sub-Commission also attended the meeting: Shiqiu Chen, El-Hadji Guissé and David Weissbrodt.

4. Representatives of the following States Members of the United Nations were represented by observers: Afghanistan, Albania, Algeria, Angola, Armenia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Eritrea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Guatemala, Haiti, India, Israel, Italy, Jordan, Kazakhstan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malaysia, Mauritania, Mexico, Monaco, Mongolia, Morocco, Mozambique, Nepal, Netherlands, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Republic of Korea, Russian Federation, Saudi-Arabia, Slovakia, Spain, Sri Lanka, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia.

5. Representatives of the following non-member States were represented by observers: Holy See, Switzerland.

6. The following United Nations bodies and specialized agencies were represented: Food and Agriculture Organization of the United Nations (FAO), International Labour Office (ILO), United Nations Development Programme (UNDP), United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Environment Programme (UNEP), World Bank, World Health Organization (WHO).

7. The following intergovernmental organizations were represented: European Parliament, International Organization for Migration (IOM).

8. The following non-governmental organizations in consultative status with the Economic and Social Council were represented. Conference of Non-Governmental Organizations in

Consultative Relationship with the United Nations (CONGO), Europe-Third World Centre, Franciscans International, International Confederation of Free Trade Unions, International Movement ATD Fourth World, World Federation of Trade Unions, Zonta International (special); Atlas-Association Tunisienne pour l'Auto-Développement et la Solidarité, Baha'i International Community, Christian Aid, Dominicans for Justice and Peace, Earthjustice, Geneva International Peace Research Institute, Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, International Commission of Jurists, International Council of Jewish Women, International Council on Alcohol and Addictions, International Federation of Human Rights Leagues, International Federation of University Women, International Organization for the Development of Freedom of Education, International Research Foundation for Development, International Service for Human Rights, International Young Catholic Students, Lutheran World Federation, Minnesota Advocates for Human Rights, Pax Christi International (International Catholic Peace Movement), Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), Simon Wisenthal Center Inc., World Organization Against Torture (general); All for Reparations and Emancipations, Association of World Citizens, ETC Group, Foodfirst Information and Action Network, International Association for Counselling, international Baccalaureate Organization, International Federation of Rural Adult Catholic Movements, Minority Rights Group International, Movement Against Racism and for Friendship among Peoples (Roster).

9. The following organizations and academic institutions also attended: African Center for Peace Democracy and Human Rights, Association Internationale de Solidarité pour le Développement des Pays de l'Est, CARE, Clef pour Débouchés Féminins au Congo, Collectif des Organisations des Jeunes Solidaires au Congo-Kinshasa, Confédération Française Démocratique du Travail, EED Church Development Service, Femmes Chrétiennes pour la Démocratie et le Développement, German Agency for Development Cooperation, Hawaii Institute for Human Rights, Indian Social Action Forum, International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations, Leader Villature, Réseau des Femmes d'Affaires pour le Développement (République Démocratique du Congo), Rights and Humanity, World Alliance for Nutrition and Human Rights, (academics) International Project on the Right to Food in Development (Norway), University of San Diego (France).

10. The Social Forum was comprised of three panels, on "Globalization and Human Rights" (panel A); "Right to adequate food and poverty reduction: the realities of hunger and poverty reduction strategies: experiences, views and visions" (panel B); and "Right to adequate food and poverty reduction: rural poverty reduction strategies and the right to food: what have we learned?" (panel C). Each panel discussion was led by experts. Questions and comments from Forum participants followed the presentations of the experts. The agenda of the Social Forum is attached as annex I. A list of background documents provided to the Social Forum is attached as annex II.

11. On 23 July 2002, a group of NGOs held a meeting to discuss the three areas covered by the panels. Representatives of the meeting presented the conclusions of the meeting to the Social Forum as a means of ensuring NGO input into the Forum. The contribution of the NGOs is contained in annex III.

12. The experts and NGO representatives who participated in the three panels were: Mr. Peter Prove (World Lutheran Federation), Mr. Bamrung Kayotha and Dr. Suthy Prasarset (Assembly of the Poor, Thailand), Mr. Thandika Mkandawire (Director, United Nations Research Institute for Social Development (UNRISD)) (panel A); Ms. Mirian Masaquiza (Confederación Nacional de Organizaciones Indígenas y Negras), Mr. Jean-Batiste Anoman Oguie (President, International Movement ATD Fourth World), Ms. Irma Yanni (Via Campesina, Indonesia) a representative of Mr. Jean Ziegler (Special Rapporteur of the Commission on Human Rights on the right to food), Ms. Charlotte McClain (Commissioner of the South African Human Rights Commission), Aparna Bhat (Advocate and Director of the Human Rights Law Network, India), Ms. Wanda Engel (Secretary of State for Social Affairs, Brazil), Alfredo Sfeir-Younis (World Bank), and Mr. Michael Windfuhr (Foodfirst Information and Action Network).

13. The High Commissioner opened the Social Forum. She welcomed the Social Forum as a new space in the United Nations system for the exchange of diverse views and concerns from many regions, professions and cultural backgrounds that hopefully would lead to the formulation of new ideas and proposals for action to address the challenges currently facing human rights. The High Commissioner noted that since the World Food Summit in 1996, the international human rights machinery had taken action to develop the normative content of the right to food. The follow-up to the World Food Summit in June 2002 mandated an intergovernmental working group to develop voluntary guidelines on the right to food and encouraged the Social Forum to contribute to the future work of this group. The High Commissioner also encouraged the development of strategies for promoting the right to food at the local, national and international levels. Locally, support was needed for poor people, small farmers, rural communities and women, who played a central role in agriculture. Nationally, strategies to promote agricultural development and food safety were needed. Internationally, strategies were necessary to ensure action to reduce trade barriers in developed countries as well as to fulfil the rights of small and poor farmers.

14. Following the High Commissioner's statement, Mrs. Warzazi nominated Mr. Bengoa as Chairperson of the Social Forum. The nomination was approved by acclamation.

15. Mr. Bengoa, taking the Chair, referred to various studies of the Sub-Commission on aspects of globalization and encouraged the international community to continue to analyse its impacts on human rights.

II. GLOBALIZATION AND HUMAN RIGHTS: CHALLENGES AND OPPORTUNITIES IN THE NEW MILLENNIUM

16. Mr. Prove, summarizing the discussion at the NGO meeting of 23 July, welcomed the opportunity provided by the United Nations to examine the human rights dimensions of globalization, but expressed concern that some Governments had voted in the Economic and Social Council against the decision to authorize the holding of the Social Forum.

17. Mr. Prove introduced Mr. Bamrung Kayotha and Dr. Suthy Prasarset of the Assembly of the Poor from Thailand. Mr. Kayotha noted the link between globalization and the Asian economic crisis of 1997, highlighting the fact that speculators had manipulated the

Thai economy to the brink of bankruptcy. Land distribution policies sponsored by the international financial institutions had further worsened the situation of the poor. He also pointed to the fact that globalization was paving the way for stronger intellectual property protection which had resulted in corporations holding property rights over food products, including rice varieties. He also argued that the dam projects built in the name of development and encouraged by intergovernmental organizations were threatening the livelihoods of people and were leading to higher levels of displacement and poverty. Mr. Kayotha encouraged all sectors of society - the private sector, civil society, and Government - to act together to solve the various problems identified at the Social Forum in an atmosphere of justice and peace.

18. Mr. Thandika Mkandawire, Director of UNRISD, focused his intervention on the need for institutions to realize human rights and to bring rights-based approaches to institutions. He argued that, for this to happen, three things were necessary. First, human rights could only be promoted within a framework of true democracy and good governance. While the world was moving increasingly towards democracy, these democracies were often "choiceless", as decisions that affected economic policy were made by international institutions beyond the influence of popular participation. Second, States must have a developmental approach to poverty reduction, not only macroeconomic policies focused only on stabilizing the economy. Indeed, macroeconomics should be guided by the demands of democracy, equity and human rights. Third, the State must be socially inclusive. Globalization must be judged against these three criteria. The evidence showed that we did not yet have a global order that had seriously included the promotion and protection of human rights on its agenda.

19. The Chairperson then opened the floor for comments from the participants. One government representative noted the improvements his Government had made in relation to promoting and protecting human rights and highlighted the need to work together to promote economic, social and cultural rights, including through strengthening democratic institutions and encouraging the participation of civil society. Another government representative noted that while globalization offered many opportunities to promote human rights, it also had negative effects, manifested in poverty and violence and the flouting of fundamental freedoms. The representative suggested that some commentators had argued that globalization was beyond control which, if true, would have dramatic consequences. However, he believed that globalization offered the chance to develop human rights and dignity - and consequently, that the promotion of human rights and human dignity must be at the core of globalization.

20. Another government representative noted that the benefits of globalization were being distributed in an unbalanced way and that there was a need for policies and measures to respond to the needs of developing countries. Further, trade and financial institutions needed to act equitably and according to the principle of non-discrimination. Another government representative stated that poverty alleviation was at the forefront of his Government's national development strategy and that public hearings were held when major development projects were undertaken. He also argued that, given recent corporate scandals and their potential to affect the world economy, corporate responsibility was an issue that should be considered in the context of globalization.

21. An NGO representative described the problems that some forms of intellectual property protection for agricultural biotechnology was causing for farmers, for example, the "terminator" technology which was designed to ensure that seeds, protected by intellectual property rights, produced only sterile seeds so that farmers were unable to save and replant seed after harvest. He proposed that UNRISD might undertake a study to examine how these technologies affected the poor and encouraged the inclusion of "farmers rights" in any future guidelines on the right to food.

22. The Chairperson then opened the floor to the panellists. The High Commissioner welcomed the issues and questions raised by the NGO meeting as public perceptions that should be addressed by the institutions concerned, in particular the need to ensure that international financial and trade organizations respected human rights, the promotion of a gender perspective to economic policies, as well as the need to clarify the principle of non-discrimination in the context of trade law and economic policy. Mr. Mkandawire recalled that globalization was largely a human construct and consequently it could be changed, either through consensus or conflict; it was not out of control nor irreversible. He also emphasized the need to consider all human rights - civil, cultural, economic, political and social - together. Mr. Prove warned against narrowing the review of the effects of globalization only to the South, emphasizing that globalization affected people negatively and positively in both North and South. He emphasized that globalization was not beyond control and also encouraged government representatives to ring their colleagues with economic portfolios to future sessions of the Social Forum. Mr. Kayotha stated that public hearings on major development programmes were only "for show" and that decisions to go ahead with particular projects had often already been taken in advance of any public hearing. He also echoed the comments of the NGO representative concerning the danger of some new agrobiotechnology products to local farming communities.

II. RIGHT TO ADEQUATE FOOD AND POVERTY REDUCTION

A. The realities of hunger and poverty reduction strategies: experiences, views and visions

23. Jean-Batiste Anoman Oguie (International Movement ATD Fourth World) stated that he would contribute to the Social Forum by sharing an example of prisoners in a camp in Bouaké, Côte d'Ivoire, who, with the support of his organization, were able to free themselves from hunger. The prison camp at Bouaké was home to several thousand prisoners serving long sentences in very difficult living conditions. To improve the living conditions, Mr. Oguie along with an ATD nurse, Ms. Simone Viguié, suggested to the prisoners that they produce their own vegetables in the prison. After some convincing, the men agreed and the ATD representatives set about engaging others to make it possible for the men to produce their own vegetables. This exercise produced good results and inspired the prisoners to try other projects. Those who knew how to read taught others and they even formed an informal club which enabled some of them to find work after prison as sculptors and weavers. This example showed that despite desperation, hope was the greatest human virtue. It was necessary for all actors, starting with the poorest, civil society, Governments and international organizations, to contribute to searching for a common solution.

24. Irma Yanny of La Via Campesina, a landless peasant and small farmers' organization, stated that for peasants, farming was more than an industry. It was a way of life rooted in the history, culture and livelihood of the largest category of the world's population. Despite this, throughout Africa, Asia and South America peasants were losing access to land. Large-scale landowners and big corporations produced for export or took land away from local agriculture. Ms. Yanny recalled the fundamental rights of peasants and small farmers, including to life, agrarian resources, to determine their own way of farming, to access information and agricultural technology, to determine the price, marketing and exchange of their produce, to genetic recourses and biodiversity, to a sustainable environment, and to unite, associate, assemble and organize. Although these rights were recognized, they were massively violated. Another problem was related to genetically modified organism (GMO) technology which posed a threat to small farmers, their natural wealth and their resources. Ms. Yanny stated that the WTO instruments would allow transnational corporations to force States to implement this technology. La Via Campesina advocated that the international community should take action, including:

(a) To guarantee food sovereignty as a means of eradicating hunger and malnutrition, and sustainable food security for all peoples;

(b) To ensure that the international financial institutions and other international funding organizations desisted from forcing tight liberalization policies on poor countries;

(c) Take agriculture out of the WTO;

(d) To formulate and enact a universal declaration on peasants' rights, especially since the Peasants' Charter adopted by the World Conference on Agrarian Reform and Rural Development in Rome in 1979 would not provide the necessary protection under the current WTO system.

25. María Masaquiza of the Confederación Nacional de Organizaciones Indígenas, stated that some of the negative effects of globalization, such as poverty, marginalization, inequality, debt and migration, had created problems for the survival of indigenous peoples who were among the most disadvantaged in society. Economic policies - including structural reforms over the last decade and trade agreements - had had more priority than human life itself, producing conflicts and social, human and environmental suffering. For example, the North American Free Trade Agreement (NAFTA) has imposed products from the United States on countries. In Mexico, for example, emigration of indigenous people and corn producers had increased, due to the imports of corn from the United States. Indigenous peoples were not opposed to new alternatives, but ethics were inherent in the notion of living in a territorial space. For example, indigenous ancestral knowledge, owing to its collective nature, was intended to contribute to the common welfare of the people and should not be privately used or owned. Latin America had many natural resources that could be combined with indigenous knowledge to bring a different perspective to development. But this must be accompanied by a different political conception of development and integration. In Latin America, this should include attention to external debt, strengthening of regional accords, integration, and sovereignty over food, redistribution of wealth, the fight against poverty, and reform and modernization of the State.

26. Christophe Golay apologized on behalf of Jean Ziegler, who was unable to attend. In relation to the linkages between hunger, malnutrition, undernourishment and human rights, 815 million people had insufficient access to food and every seven seconds, one child under 10 years died from an illness linked to undernourishment or malnutrition. And yet, it was possible today to provide each inhabitant of the planet with 2,700 calories per day and the world produces enough food to feed 12 billion people. The current problem was not related to food production but to its distribution which focused on profit not human beings. Mr. Golay gave the example of Brazil, a rich country that could provide for its people but where 22 million people were living below the poverty line and were undernourished. Brazil had made progress in combating hunger, however its agricultural reform and minimum incomes were still insufficient. The case of Niger was very different. Niger, the second poorest country in the world, suffered from scarce food resources and high foreign debt. These, and the implementation of certain policies such as privatization programmes exacerbated hunger. To fight hunger, the Special Rapporteur advocated better food distribution, the sharing of technical and scientific knowledge and more equitable distribution of resources. Additionally, international organizations needed to reconcile neo-liberal and social justice policies.

27. One Government representative agreed with the three conditions set forth by the UNRISD director but added that a fourth, international cooperation, was crucial to realizing the right to food. He suggested that participants should reflect on how international cooperation could be further elaborated in the human rights framework. The World Bank representative responded to some of the issues raised during the globalization panel and noted advances in World Bank policies concerning the integration of human rights into its work. With regard to trade liberalization and agriculture, he recalled that among the goals of the liberalization of the agricultural sector was diminishing the excessive taxation of overburdened poor farmers. A distinction needed to be made between external (between countries) and internal liberalization (e.g. in the case where agriculture in developing countries is taxed to promote industrialization). He stressed that the Bank did not support the privatization of water in Bolivia, and that it had offered an alternative which was not chosen.

28. Asbjørn Eide stated that globalization was not a law of nature, but a product of decisions made by individuals. Relationships between international financial institutions were at the core of decision-making on globalization. He referred to Nobel Prize laureate J. Stiglizt who was critical of the International Monetary Fund (IMF), the interaction between the World Bank and the Fund, and the United States financial authorities and the Fund. Mr. Eide also suggested that in addressing poverty we should ask who the poor were, where did they live, why they were poor, and what had caused poverty as well as who benefited from their impoverishment. A two-pronged approach was needed: to understand and take action to reduce poverty, but also to look at how impoverishment could be prevented, for the greater good.

29. One NGO representative stressed that the human rights of women and a gender perspective were at the core of the discussions. Women were the poorest of the poor and poverty violated the right to food. The relationship between poverty and the right to food must be examined closely, including from a gender perspective. The representative stated that there were many contradictory international provisions and national laws which detracted from the full realization of the right to food; he therefore advocated greater coordination between national ministries. Another NGO representative stated that poverty eradication and not poverty

reduction should be the focus of attention and called for better distribution of resources within each country. The notion of a universal basic income at the national level for every person should be an important consideration of Governments.

30. Another NGO representative stated that there were three obligations concerning the right to food - to respect, to protect and to fulfil. The first two were immediate obligations and it would be necessary to look at the policies which were needed to fulfil the right to food of those who did not have access to food. No violations of immediate obligations were tolerable. The rationale of civil and political rights needed to be transposed to economic, social and cultural rights.

B. Rural poverty reduction strategies and the right to food: What have we learned?

31. Charlotte McClain, Commissioner of the South African Human Rights Commission, said that cases from the South African constitutional court, such as *Government of the Republic of South Africa and Others v. Grootboom and Others* had laid to rest any doubts about the justiciability of economic, social and cultural rights. *Grootboom* had clarified the fact that Governments have obligations to refrain from taking certain actions - such as evicting people - as well as to take certain positive steps to fulfil rights - such as to set particular laws and policies for the progressive realization of economic, social and cultural rights. Both positive and negative obligations on the State were justiciable. Some of the challenges in the fight to promote the right to food and to reduce poverty included the need to foster a vibrant civil society, the need to address HIV and poverty as well as the right to food, and the need to enhance State capacity, including by strengthening independent human rights commissions, the need to improve services for the poor, and the need to develop balanced strategies to promote civil, cultural, economic, political and social rights across all sectors. In the African context, the New Partnership for Africa's Development (NEPAD) would be an important vehicle to address the right to food and poverty reduction.

32. Aparna Bhat (Director of the Human Rights Law Network, India) highlighted the fact that, while India had an excess of grain, there were still people dying of hunger. Ms. Bhat was acting for petitioners in proceedings in the Indian Supreme Court against the Government for its failure to respect, protect and fulfil the right to food (*People's Union for Civil Liberties v. Union of India & Ors* - civil petition No. 196 of 2001). One of the issues that the case had raised was that while the Government had several welfare schemes, many people did not know they existed. Regional governments were not implementing them and no one was enforcing them. Consequently, the courts had an important role in enforcing such schemes and consequently in promoting respect for the right to food. Ms. Bhat emphasized three issues in relation to the realization of the right to food, and the case in particular: first, that there was a right to food which arose out of the right to life; second, the country had a badly managed public food distribution system which needed to be re-examined; third, there was a need to introduce food-or-work schemes. In that context, Ms. Bhat further emphasized that food was a right and not charity. Food-for-work schemes were particularly important in ensuring a rights-based approach as opposed to a charity approach to accessing food.

33. Wanda Engel Andua (Secretary of State for Social Affairs, Brazil) noted that, in Brazil, hunger was not a question of a lack of food, but rather a question of lack of access to food due to poverty. Consequently, strategies to respect, protect and fulfil the right to food hinged on poverty eradication. Ms. Engel highlighted the following prerequisites for poverty reduction. First, she noted that, while economic growth was indispensable to poverty eradication, it was not sufficient - in particular, economic growth in Brazil had not led to noticeable improvements in levels of extreme poverty. Second, poverty was multidimensional. Poverty eradication programmes required not only economists but also educators, anthropologists and others to be involved in their design. Third, the factors that reproduced poverty across generations needed to be addressed in the design of poverty eradication programmes. Representative democracy, social responsibility on the part of the Government and an increase of 21 per cent in social investment had contributed to poverty reduction. However, in spite of this, poverty still had a face - generally that of black women living in the North East of Brazil. Ms. Engel Andua highlighted the guiding principles of Brazil's poverty reduction strategies, stressing the importance of specifically emphasizing the family as the unit for action, in particular, the mother Finally, Ms. Engel Andua suggested that as for inflation targets, all countries should have publicly available poverty reduction targets.

34. Mr. Alfredo Sfeir-Younis (World Bank) stated that the challenge was to examine the interrelationship between human rights, food and rural poverty. He emphasized that, in promoting the right to food and in dealing with poverty, it was important to listen to the poor and e identified some relevant findings of the World Bank's "Voices of the Poor" programme. On the link between the human rights and rural poverty, Mr. Sfeir-Younis emphasized that the realization of the right to food was not possible without linking it to wealth creation. Development financing was another factor important to realizing the right to food. As a way forward, Mr. Sfeir-Younis offered four pillars for action ir romoting the right to food and reducing rural poverty. First, a holistic approach that dealt with poverty in both rural and urban areas is needed; second, more growth was essential and to achieve this it would be necessary to focus on agricultural development; third, strategies must ddress the entire rural space; and fourth, stake-holders must forge alliances and there must be wide participation in the design and implementation of strategies. If there was one area to prioritize, Mr. Sfeir-Younis emphasized the need to look at gender issues. He concluded by emphasizing the importance of elaborating a new paradigm for development based on human rights principles, which he referred to as "empowerment development".

35. Michael Windfuhr (Food First Information Action Network) presented a summary of the issues discussed at the NGO meeting of 23 July 2002. He noted in particular that the NGO meeting had started with the notion of the primacy of human rights over other international legal obligations. He also referred to General Comment No. 12 of the Committee on Economic, Social and Cultural Rights as the most authoritative document on the right to food and to the proposed voluntary guidelines on the right to food which, while not seeking to invent a new definition of the right, should be more than a list of best practices. The Poverty Reduction Strategy Guidelines on the other hand were intended for practitioners.

36. Mr. Eide reiterated that impoverishment must be prevented not only reduced. To do that, it was necessary to understand the dynamics of impoverishment, both nationally and internationally. Indigenous peoples, minorities, ethnic groups and people belonging to certain

castes face social obstacles which perpetuated poverty. Statistics showed that the impoverishment of women was enormous, making it crucial for gender to be a priority. It was important to examine inter-generational poverty and to seek ways of preventing this vicious cycle. Poverty was not a question of lack of resources, but a question of who controlled the resources; disadvantaged groups did not. Mr. Eide emphasized the need to look at both national and international obligations of States. States were obliged to find their own solutions and should not be prevented from doing so by external political processes; however, certain obligations were realizable immediately by the State itself. Mr. Eide also emphasized that food should never be used as a weapon and food and medicines were exempted from sanctions. Mr. Eide stressed that the voluntary guidelines must be based on General Comment No. 12. With regard to globalization, Mr. Eide stated that the role of the State had been weakened, and in that sense, globalization was conducive to formal democracy but problematic for real democracy.

37. Ms. Connor stated her desire for a more practical approach to poverty reduction. In order to achieve real results, it would be necessary to examine who we were seeking to empower. The right to food had broader implications which required the consideration of principles such as empowerment as well as related rights such as education. Further, it was important to respect traditional farming methods and to share information and help small farmers to make their own decisions. Respect and recognition of women's creative capacity was also crucial.

38. Ms. Warzazi stated that in the coming years, many conflicts would occur as a result of limited access to water. She referred to a study that found that sulphur production had led to droughts in Africa and even though the rains have returned, the land was so dry that it cannot accommodate agricultural production.

39. One NGO representative stated that it was be necessary to coordinate the various approaches to food availability and access, poverty reduction and alleviation. People were a nation's assets and Governments should be able to focus more on each human being, empowering the individual to secure access to food. If people are empowered, they could benefit from education, take charge of their lives and improve the overall situation of poverty. The right to a basic income should be anchored in the legal framework of all countries. A congress, to be organized by the Basic Income European Network in coordination with the ILO, was to be held in September 2002 to examine how to put in place mechanisms for a legal guarantee for income security.

40. Another NGO representative suggested that the question of agricultural research as an international public good should be examined by the Commission on Human Rights. Funding for the Consultative Group on International Agricultural Research was being cut and it did not have access to technology held by private companies. In the United Kingdom and Canada, researchers had evaluated the content of foods such as apples and potatoes, and had concluded that their quality had declined as much as 50-75 per cent. Private sector companies had developed those foods and now wanted to use biotechnology to improve their nutritional content.

41. One NGO stated that the right to food and poverty were being examined on four levels: conceptual, legal, institutional, and from a governance perspective. Human rights provided the "grammar of governance" to ensure sustainability. If the poor were placed at the centre of

poverty reduction programmes, the concept would become more dynamic and more context and group specific. Further work needed to be done to ensure that the right to information as a key poverty reduction strategy was assured. There must be dialogue with civil society. Poverty was good business and unless a clear ethical framework informing the legal and institutional frameworks was developed to guide actions, there would be no progress.

42. Another NGO representative stated that poverty was multifaceted and that there was a significant need to identify the poor and food-insecure, and to look at the most vulnerable groups at the national level. The issues relating to the right to food needed to be popularized and entered into the public consciousness. There was a need to monitor the implementation of various food initiatives to ensure that rights became a reality for all. Democracy, good governance, and independent judiciary and an enabling legislative frameworks, accountability and participation were all very important. Human rights were at the core of the struggle to combat hunger.

43. Another NGO representative stated that there was a need to examine the following right to food-related issues: impoverishment and empowerment; the immediate obligations to respect and protect and the progressive obligation to fulfil; to study who poor were, what made them stay poor, and how they could rise up from poverty; the availability and misuse of water, desalination and soil erosion; and long-term sustainability of food systems. Two studies by the International Fund for Agricultural Development (IFAD) looked at processes of impoverishment; 11 of the 16 causes in one study resulted from landlessness. Agricultural policies needed to be examined. In Brazil, for example, land was available but people were allowed access to it. Social access issues could be linked to long-term sustainability issues. Resources for rural development were being drastically reduced. As regards participation and empowerment, efforts must be made to ensure real results, especially for affected groups. People needed to be able to decide for themselves what they produced and consumed.

44. Concerning the case before the Indian courts referred to in Ms. Bhat's presentation, the government representative stated that the Government of India had taken action to set up institutions to make access to food possible and had created an elaborate public distribution system which endeavoured to reach a larger number of rural poor people. The Government was trying to improve and refine its policies and action to better serve the needs of the poor and vulnerable. All government organs were attempting to address new concerns as they emerged. India was a big and diverse country with an unacceptably large number of poor people, so efforts must always be improved.

45. One government representative stated that each State should guarantee access to information so that citizens would know what was happening and how to orient their actions.

46. Another government representative agreed that all the dimensions of poverty should be addressed in the most appropriate manner. More solutions were available to developed countries than to developing countries. The representative agreed that the multilateral financial institutions played a predominant role in the current global environment. Caution must be exercised when speaking about biotechnology in food production; despite its benefits there were concerns relating to its ethical use and to the dependency of developing countries created by the developed countries whose companies owned the technology.

47. Mr. Sfeir-Younis highlighted the importance of integrating the work that was being done on all the commentaries to the International Covenant on Economic, Social and Cultural Rights. He said that the Bank was carefully examining their potential in economic development planning and implementation. Also, it was important to take broader approach to the right to food, as its fulfilment went far beyond food production. Agriculture was key, but a rural-sector approach and urban-rural linkages must be embraced. A multisectoral approach was needed to address, for example, the needs of the poor for energy to cook food; the same applied to areas such as processing distribution, rural credit and institutional development. Finally, he questioned the term "economic globalization" as the process of globalization was fundamental to the areas of environment, health, culture, information, technology, etc.

IV. CONCLUSIONS AND RECOMMENDATIONS

48. The Social Forum adopted the following conclusions and recommendations on the basis of the discussions.

A. Conclusions

The role and mandate of the Social Forum

49 The Social Forum acknowledges and affirms its mandate and expresses its intention to act as a forum to exchange information on the enjoyment of economic, social and cultural rights and its relationship to the process of globalization; to follow up on situations of poverty and destitution in the world; to propose legal standards and initiatives, guidelines and other recommendations; and to follow up the agreements reached at the major world conferences and the Millennium Summit and to make contributions to forthcoming major international events.

50. In accordance with its mandate, the Social Forum is a space for dialogue between participants from across the spectrum of relevant actors - NGOs, community organizations, trade unions, social movements, private sector entities, international financial and economic institutions, and development agencies. Within that space, the Social Forum seeks to give special voice to new actors, including the poor and the marginalized and their organizations, which have no space within the United Nations system. The dialogue that takes place in the Social Forum must be based on the expressed concerns of those who experience the reality of economic, social and cultural vulnerability.

51. The ultimate objectives of the Social Forum should be:

(a) To share knowledge and experiences between Governments, national and local authorities and institutions, NGOs and civil society, the private sector, universities and research centres, intergovernmental and international organizations, and development agencies through an interactive and constructive dialogue;

(b) To suggest appropriate intervention by the concerned stakeholders;

(c) To contribute to major international events and conferences, such as the World Social Summit on Sustainable Development (Johannesburg, 26 August-4 September 2002);

(d) To collaborate with other forums, such as the Permanent Forum on Indigenous Issues, International Forum for Social Development of the Department of Economic and Social Affairs of the Secretariat.

Globalization and human rights

52. Economic globalization is not a law of nature but a process whose direction is the product of decision-making by particular actors, in particular in the field of economic law and policy. The Social Forum calls for decisive measures to ensure that economic law and policy are in accordance with human rights law and values, including international labour standards.

53. Unless properly regulated, globalization will produce not only winners but many losers, and measures must therefore be taken to safeguard the economic and social rights of those who otherwise may become poor and marginalized as a consequence of economic globalization.

54. Gross-roots organizations are concerned that globalization does not take into account the poor, women, or indigenous peoples, but instead very often takes away the resources of these groups, thereby violating their human rights.

55. NGOs perceive that liberalization of trade in services under the General Agreement on Trade in Services (GATS) and similar arrangements may negatively affect the universal, equitable and non-discriminatory enjoyment of certain human rights, including the right to education, the right to health and the right to safe drinking water.

56. There is widespread concern that the liberalization of trade in agriculture has led to an increase in food import bills for some countries, a decline in local production of products and the undermining of small farmers' livelihoods as a result of competition from cheaper imports, the consolidation of farms and displacement of farm labour, as well as the narrowing for developing countries of policy options in supporting agricultural development.

57. The Social Forum emphasizes that women are disproportionately affected by the negative effects of economic globalization in most parts of the world and called for the adoption of specific measures to implement, practically and effectively, a gender perspective in national and international economic policies, based upon human rights principles.

58. The concept of "non-discrimination" is a key feature both of human rights and of international economic/trade law, but the functional understandings and effects of this concept in the two contexts are radically different. Greater clarification of these different understandings and their implications is needed. Application of equal rules for very unequal players in global trade was seen as raising human rights concerns, as this may in effect institutionalize discrimination against weak and vulnerable producers in the very name of non-discrimination. Affirmative action measures to prevent further discrimination and marginalization are thus called for in the international trading regime to ensure its consistency with principles of international human rights law.

The right to food and poverty reduction

59. A clear message arising from the discussions is that strategies to address poverty require a dual track: one directed at decisive measures to prevent impoverishment of women, youth and vulnerable groups or individuals resulting from economic activities of any kind; and the other consisting of urgent steps to bring the poor out of their poverty.

60. In this context, the Social Forum underlines the importance of identifying who and where the poor are, what the causes underlying their poverty are and which processes lead to impoverishment, as set out in the background paper "Who are the Poor?" presented to the Social Forum.

61. The discussions emphasized the central importance or the identification of the poor, participation and empowerment of the poor, accountability and non-discrimination as fundamental human rights principles that are most effectively achieved through human rights-based approaches to development.

62. The Social Forum agrees that poverty requires a multidimensional strategy to empower the poor for the realization of their human rights, including the right to food. While the right to food has broader implications and is intrinsically linked to socio-economic issues, including human rights, most of the discussion focused on agricultural issues.

63. The Social Forum draws attention to the close interrelationship between hunger and poverty. Poverty is generally assumed to be the root cause of hunger and malnutrition. It is not always understood, however, that hunger and malnutrition are in turn major causes of poverty, as they affect the ability of individuals to escape poverty in various ways that are often passed from generation to generation, thus creating an intergenerational poverty trap.

64. The Social Forum notes that the right to food includes respect for the social, cultural and traditional ways and means of gathering, including access to and environmental protection of the lands and territories of all food resources. In addition to the economic and political dimensions of subsistence activities, the physical and spiritual well-being of the peoples concerned, in particular indigenous peoples, must be given due attention.

65. The Social Forum welcomes the recommendation of the five-year review of the World Food Summit to set up an intergovernmental working group to develop a set of voluntary guidelines to assist Member States' efforts in implementing the right to adequate food, and calls on Member States and all stakeholders to participate actively in the working group with a view to bringing this endeavour to a successful conclusion within the stipulated two-year period. It notes the recommendations made by NGOs at the Social Forum concerning the content and structure of such guidelines, which should also reflect the concept of nutritional well-being as the ultimate purpose of the enjoyment of the right to food.

66. In this connection, the Social Forum urges States parties to ensure the consistency of their positions regarding the right to food and related rights in the various international human rights and development forums.

67. The Social Forum notes that the content and ways of implementing the right to adequate food are defined in General Comment No. 12 of the Committee on Economic, Social and Cultural Rights. This authoritative interpretation of the right to food stipulates that States should adopt a national strategy on the right to food, including appropriate framework legislation based on human rights principles, and formulate policies and corresponding benchmarks for their implementation. The strategy should also identify the resources available to meet the objectives and the most cost-effective way of using them.

68. According to General Comment No. 12 (para. 23), "the formulation and implementation of such strategies requires full compliance with the principles of accountability, transparency, people's participation, decentralization, legislative capacity and the independence of the judiciary. Good governance is essential to the realization of all human rights, including the elimination of poverty and ensuring a satisfactory livelihood for all".

69. In this connection, the discussions addressed the issue of justiciability of economic, social and cultural rights. Cases from the South African Constitutional Court and the Indian Supreme Court have laid to rest any doubts as to the justiciability of these rights. Governments have obligations to refrain from taking certain actions as well as to take certain positive steps to fulfil rights. Both positive and negative obligations on the State are justiciable. An important challenge in this context is the strengthening of independent human rights commissions and the fostering of a vibrant civil society.

B. Recommendations

1. Proposed themes for the second session of the Social Forum

70. The Chairman-Rapporteur suggests that at its second session the Social Forum should consider globalization and its impact on peasant agriculture and rural poverty, focusing on:

(a) Rural poverty and rural poor communities, including the rights of landless peasants' movements, pastoralists and fishermen;

(b) The right to education and rural communities: the importance of capacity-building and training;

(c) Corruption and its impact on rural poor communities;

(d) The role of international cooperation in peasant agriculture and rural communities.

2. Poverty reduction and the right to food

At the national level

71. States should adopt a national strategy on the right to adequate food in accordance with General Comment No. 12. States should also take into consideration other relevant general comments of the Committee on Economic, Social and Cultural Rights, including General Comments Nos. 11, 13 (right to education) and 14 (right to health).

72. In this context, States should, in conformity with the human rights principles of non-discrimination, accountability, transparency and people's participation:

(a) Establish open and transparent early warning systems signalling threats to livelihood due to environmental degradation, production changes, or instability in domestic or world markets;

(b) Set up and maintain buffers which would mitigate shocks and facilitate early recovery;

(c) In giving support to farming communities, avoid discrimination against groups or individuals on the basis of gender, religion, ethnicity, or other internationally prohibited grounds, and promote equality of opportunity, if need be through the use of affirmative action measures;

(d) Act specifically to prevent discrimination against women in access to food or resources for food by providing for guarantees of full and equal access to economic resources (including the right of all pregnant and breastfeeding mothers to food and health care and the right to inherit and own land and other property), credit, natural resources and appropriate technology;

(e) Ensure an effective land registration system and protect the rights of tenant farmers, ensuring a just division between tenant farmer and landlord; promote effective and constructive land reform; and ensure indigenous peoples' right to land;

(f) Adopt or strengthen measures to facilitate access of small farmers to the markets;

(g) Protect the rights of landless agricultural labourers, including the right to organize and form trade unions and to other core labour standards, as an essential element in promoting the right to food;

(h) Take appropriate steps to ensure that activities of the private business sector are in conformity with the progressive realization of the right to food;

(i) Assist HIV/AIDS-affected communities whose productive workforce is being decimated by the epidemic.

At the international level

73. The United Nations system, related agencies and other international organizations (in particular the international financial institutions and the World Trade Organization) should incorporate universally recognized human rights norms, including the right to food, and principles into their work, activities and value systems with due respect to their respective mandates.

74. Countries that are in the process of developing national poverty reduction strategies, including poverty reduction strategy papers, should be encouraged to place greater emphasis on the implementation of the right to food, including the development of the food, agricultural and

rural sectors. Also, there is an urgent need for more institutionalized arrangements for stakeholder participation, especially representatives of the poor and civil society organizations, in the decision-making process of national poverty reduction strategies.

75. The guidelines on the integration of human rights, including the right to food, into poverty reduction strategies now under preparation in OHCHR should be field-tested at the earliest possible opportunity.

76. Action at the national level needs to reflect the fact that the ultimate purpose of the right to adequate food is nutritional well-being, and to take into account the critical and life-saving complementarity between food-based solutions per se and simultaneous efforts in the areas of health care and education, reflecting the important interrelationship between the right to food, the right to health, the right to education and other rights. The fight against hunger and malnutrition in all its forms should pay special attention to women and young children, given their higher vulnerability, and to the new knowledge about the possible intergenerational effects of malnutrition in early foetal life.

77. The recent reports by the high Commissioner for Human Rights on intellectual property and human rights; on agriculture, liberalization and human rights; and on liberalization of trade in services and human rights should be formally transmitted to the WTO General Council and to the relevant committees and the Director-General of the WTO.

78. On the issue of non-discrimination in global trade, the underlying purpose behind the need for special and differential treatment provisions for developing countries in WTO agreements is closely related to the need to introduce affirmative action measures in their favour at the international level. As a useful starting point in this regard, the Social Forum endorses the High Commissioner's recommendation that the status of those provisions should be changed from so-called "best endeavour" commitments to "targeted and enforceable treatment", using non-discrimination and other human rights principles as the guiding framework for reform.

79. States should take steps to respect the enjoyment of the right to food in other countries, to protect that right, to facilitate access to food and to provide the necessary aid when required. In international agreements, whenever relevant, States should ensure that the right to adequate food is given due attention and consider the development of further international legal instruments to that end.

80. Public funds should be made available through international cooperation to strengthen agricultural research aimed at improving the productivity of small and marginal farmers.

Annex I

LIST OF DOCUMENTS

1. Commission on Human Rights decision 2002/106, "The Social Forum".

2. Sub-Commission resolution 2001/24, "The Social Forum".

3. Working paper on the Social Forum prepared by Jose Bengoa (E/CN.4/Sub.2/2002/3).

4. Declaration of the World Food Summit: Five years later (WFS:fyl 2002/3).

5. "The right to food: achievements and challenges", Report of the High Commissioner to the "World Food Summit: Five years later" Rome, Italy, 10-13 June 2002.

6. Report of the High Commissioner to the Commission on Human Rights on globalization and its impact on the full enjoyment of human rights (E/CN.4/2002/54).

7. "Who are the poor?" paper prepared by Uwe Kracht for the first session of the Social Forum.

8. Report by the Special Rapporteur on the right to food, Mr. Jean Ziegler, to the Commission on Human Rights (E/CN.4/2002/58).

9. Draft Guideline on implementing the right to food in poverty reduction strategies.

10. Extract from Asbjørn Eide, Catarina Krause and Allan Rosas, *Economic, Social and Cultural Rights - a Textbook*, Martinus Nijhoff Publishers, Dordrecht, Boston and London, 2001.

11. Committee on Economic, Social and Cultural Rights, General Comment No. 12 on the right to food (E/C.12/1999/5).

Annex II

AGENDA

Friday 26 July

10.00 a.m.-10.15 a.m. Opening by the High Commissioner

10.15 a.m.-11.30 p.m. Part 1: Globalization and human rights

- *Panel A: "Globalization and human rights: challenges and opportunities in the new millennium"*
- NGO presentation of issues:
  - Mr. Peter Prove (World Lutheran Federation)
  - Mr. Bamrung Kayotha and Dr. Suthy Prasarset (Assembly of the poor, Thailand)
- Responses:
  - Mary Robinson, High Commissioner for Human Rights
  - Thandika Mkandawire, Director UNRISD
- General discussion

11.30 a.m.-13.00 p.m. Part 2: Right to adequate food and poverty reduction

- *Panel B: "The realities of hunger and poverty reduction strategies: experiences, views and visions"* (presentation of testimonies by representatives of poor rural communities)
- Panellists:
  - Mirian Masaquiza from Ecuador (Confederación Nacional de Organizaciones Indígenas y Negras)
  - Jean-Batiste Anoman Oguie, President of ATD Fourth World
  - Irma Yanni, Via Campesina from Indonesia
  - Jean Ziegler, Special Rapporteur of the Commission on Human Rights on the right to food

13.00 p.m.-15.00 p.m. *Lunch*

15.00 p.m.-15.30 p.m. Part 2: Right to adequate food and poverty reduction (cont'd)

- General discussion

15.30 p.m.-18.00 p.m. *Panel C: "Rural poverty reduction strategies and the right to food: what have we learned?"* (presentations by representatives of Governments, international development organizations, financial institutions and human rights groups)

- NGO presentation of issues: Michael Windfur (Foodfirst Information and Action Network (FIAN))

- Panellists:

  - Charlotte McClain, Commissioner of the South African Human Rights Commission

  - Aparna Bhat, Advocate and Director of the Human Rights Law Network in India

  - Wanda Engel Andua, Secretary of State for Social Affairs in Brazil

  - Alfredo Sfeir-Younis, representative of the World Bank to the United Nations and World Trade Organization in Geneva

Annex III

CONTRIBUTION FROM THE NGO MEETING OF 23 JULY 2002 TO PANEL A, "GLOBALIZATION AND HUMAN RIGHTS"

A. Given the deliberate divide within Governments between economic policy and human rights principles, how can it be possible to create coherence between economic law and policy and respect for human rights?

B. How can the gender dimension be implemented into the various processes of globalization given that women are disproportionately affected by poverty?

C. The Social Forum could consider the differences between the human rights principle of non-discrimination and the trade principle of non-discrimination.

D. How can human rights moderate the negative effects of globalization and protect the interests of small farmers, the isolated and rural communities?

E. How can we ensure that human rights is a "friend" of development and actively prevent human rights being misused as a conditionality to trade?

F. The Social Forum could endorse the reports of the High Commissioner on trade and forward them officially to the World Trade Organization.

G. The Social Forum could ensure that the notion of good governance is not considered in a simplistic manner. For example, good governance should not be restricted to adherence to certain trade agreements or financial policies.

H. The Social Forum could promote the notion of corporate responsibility, including through the adoption of the Sub-Commission's draft "Human Rights Principles and Responsibilities for Transnational Corporations and Other Business Enterprises".

I. In the framework of agreements concerning the liberalization of trade in services, including the General Agreement on Trade in Services, the NGO meeting was concerned that the liberalization of trade in services might have negative effects on the enjoyment of the right to health, the right to education and the right to drinking water.

J. The NGO meeting expressed concern that the liberalization of trade in services could place some essential services out of the reach of the poor by creating a two-tiered system of services between rich and poor.

K. The NGO meeting expressed the need for more assessment of the effects of liberalization policies on human rights.

L. The NGO meeting identified the need to ensure that trade liberalization did not lead to balance of payment problems for developing countries that could negatively affect budgets used to promote economic, social and cultural rights.

M. The NGO meeting expressed concern about high levels of protection in developed country agriculture which can lead to the displacement of developing country farmers that are not in a position to compete with the artificially cheap products coming from developed countries.